ORDINANCE NO. 3469

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS, AMENDING SECTIONS 6, 7, AND 8 OF ORDINANCE NO. 1430, AS PREVIOUSLY AMENDED, AND CODE OF ORDINANCES APPENDIX "A" "FEE SCHEDULE" BY AMENDING THE APPLICATION FEES TO BE PAID RELATING TO THE APPLICATION FOR THE PRELIMINARY PLAT, FINAL PLAT, AND REPLAT OF PROPERTY; PROVIDING A CONFLICTS CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Council of the City of Farmers Branch, Texas, in compliance with the laws of the State of Texas and the ordinances of the City of Farmers Branch, have given the requisite notices by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all the property owners generally and to all persons interested and situated in the affected area, and in the vicinity thereof, and in the exercise of its legislative discretion, have concluded that City of Farmers Branch Ordinance No. 1430, as previously amended ("the Subdivision Ordinance"), should be further amended.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS, THAT:

SECTION 1. Ordinance No. 1430, as amended by Ordinance No. 1606 (collectively, the "Subdivision Ordinance") is amended as follows:

A. The third unnumbered paragraph of subsection (a) of Section 6 "Preliminary Plat" of the Subdivision Ordinance is amended to read as follows:

> "An application for Preliminary Plat shall be accompanied by an application fee in the amount set forth in Appendix "A" of the Code of Ordinances as amended from time to time by the City Council, which fee shall be paid for each application for Preliminary Plat whether or not the application is approved or denied by the Commission or subsequently withdrawn from consideration by the Developer. An application for Preliminary Plat shall not be complete and shall not be considered by the Commission until the required application fee has been paid."

B. The seventh unnumbered paragraph of Section 7 "Final Plat" of the Subdivision Ordinance is amended to read as follows:

> "An application for Final Plat shall be accompanied by an application fee in the amount set forth in Appendix "A" of the Code of Ordinances as amended from time to time by the City Council, which fee shall be paid for each application for Final Plat whether or not the application is approved or

denied by the Commission or subsequently withdrawn from consideration by the Developer. An application for Final Plat shall not be complete and shall not be considered by the Commission until the required application fee has been paid. Six (6) blue or black line prints together with a mylar original shall be furnished at least 10 working days prior to the date on which the Final Plat application is first considered by the Commission. Additional time for administrative review may be required depending on the complexity of the subdivision."

C. The first sentence of the third unnumbered paragraph of Section 8 "Replats" of the Subdivision Ordinance is amended to read as follows:

> "An application for Replat shall be accompanied by an application fee in the amount set forth in Appendix "A" of the Code of Ordinances as amended from time to time by the City Council, which fee shall be paid for each application for Replat whether or not the application is approved or denied by the Commission or subsequently withdrawn from consideration by the Developer."

SECTION 2. Appendix "A" of the Code of Ordinances shall be amended by adding application fees for applications for Preliminary Plats, Final Plats, and Replats as follows:

	Fee for Preliminary Plat, Final Plat, and Replat Applications	
Ord. No. 1430, as amended (Subdivision Ordinance)	Single Family Residential	$500 + $10/lot, which shall be inclusive of each residential lot, common area lots, and parcels to be dedicated for public use, but not including public easements or rights-of-way.
	Multi-Family Residential and Non-Residential	$500 + $35/acre, based on the acreage contained within the boundary of the property that is the subject of the application.
	Mixed Uses	If an application is made with respect to the subdivision of land that will be used and developed for single family residential, multi-family residential, and/or non-residential purposes, the fee shall be $500 plus the additional per lot or per acre multiplier, respectively calculated with respect to the portions of the land to be developed for the respective purposes. If more than one use is to be developed on a lot (e.g. multifamily residential located on the upper floors with retail on the ground floor), the multiplier shall be calculated based on each type of use, with the higher amount to be assessed as part of the fee.

SECTION 3. Should any sentence, paragraph, subdivision, clause, phrase or section of this Ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this Ordinance as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Ordinance as a whole.

SECTION 4. All provisions of the ordinances of the City of Farmers Branch in conflict with the provisions of this Ordinance be, and the same are hereby, repealed, and all other provisions of the ordinances of the City of Farmers Branch not in conflict with the provisions of this Ordinance shall remain in full force and effect.

SECTION 5. Upon final approval of this Ordinance and publication as required by charter and state law, this ordinance shall become effective on October 1, 2017.

DULY PASSED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS, ON THE 12TH OF SEPTEMBER, 2017.

ATTEST:

Amy Piukana, City Secretary

APPROVED:

Robert C. Dye, Mayor

APPROVED AS TO FORM:

Peter G. Smith, City Attorney
(kbl:9/6/17:88995)